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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,485	09/02/2003	Makoto Okada	21.1886C	2320

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EXAMINER

CAO, DIEM K

ART UNIT PAPER NUMBER

2194

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/652,485

Applicant(s)

OKADA ET AL.

Examiner

Diem K. Cao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-7 are pending. Applicant has amended claims 2 and 7.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 7 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 7 is directed to an apparatus but fails to recite any physical article or objects and therefore fails to meet the requirements of being a machine or manufacture. Even the claim recites "means for", however, in this instant application, it is software per se. The following link on the World Wide Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101.

http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf

Claim Objection

3. Claim 4 is objected to because of the following informalities: claim 4 recites "a message", which already indicated in claim 2, so "the" or "said" should be used instead. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Hao et al (U.S. 5,844,553).

As to claim 1, Hao teaches

- storing a first set of reactions at a first computer (File 124, Application 123, Workstation 120; see Fig. 2 and associated text), and a second set of reactions at a second computer (File 134, Application 133, Workstation 130; see Fig. 2 and associated text), where each reaction in the first set comprises indicia of one of a plurality of operations available for performance on the first computer and execution information associated with each identified operation (a rotation motion ... rotated figured; col. 5, lines 22-29 and Applications automatically trigger their own event handlers to execute received events; col. 7, lines 1-2 and File on col. 12, lines 1-8 and 23-30), where each reaction in the second set comprises indicia of one of a plurality of operations available for performance on the second computer and execution information associated with each identified operation (a rotation motion ... rotated figured; col. 5, lines 22-29 and Applications automatically trigger their own event handlers to execute received events; col. 7, lines 1-2 and File on col. 12, lines 1-8 and 23-30);

- at a third computer (Workstation 110; see Fig. 2 and associated text), performing one or more operations of a first plurality of operations available for performance at the third computer (press a button, move a mouse, type a key, a rotate motion; col. 5, lines 16-25 and col. 8, lines 4-

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5);

- in response to the performance one or more operation at the third computer, generating a transmission, sent via a communication path common to the first, second and third computers, comprising indicia of the one or more performed operations and information operated on by each of the one or more operations (The rotate motion would then be captured and multicast to windows 112, 122 and 132; col. 5, lines 24-25 and col. 6, lines 59-67; col. 8, lines 4-6);

- receiving the transmission at the first and second computers via the communication path (Each application would receive the motion event; col. 5, lines 24-27);

- at the first computer, determining whether the received indicia corresponds to at least one of the first set of reactions, and if it does, performing an execution using the associated execution information of the one of the first set of reactions (Each application ... rotated figure; col. 5, lines 25-29 and col. 7, lines 1-2 and col. 9, lines 48-52 and col. 11, lines 19-21, 39-54); and

- at the second computer, determining whether the received indicia corresponds to at least one of the second set of reactions, and if it does, performing an execution using the associated execution information of the one of the second set of reactions (Each application ... rotated figure; col. 5, lines 25-29 and col. 7, lines 1-2 and col. 9, lines 48-52 and col. 11, lines 19-21, 39-54).

As to claim 2, Hao teaches

- executing original operations of different operation types (press a button, move a mouse, type a key, a rotate motion; col. 5, lines 16-25 and col. 8, lines 4-5);

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- when original operations are executed, transmitting messages on a communication path, common to a plurality of objects, whereby each message is receivable by the plurality of objects (The rotate motion would then be captured and multicast to windows 112, 122 and 132; col. 5, lines 24-25 and col. 6, lines 59-67; col. 8, lines 4-6), where the messages have a format shared by the objects, and where each message indicates the operation type of its corresponding executed operation (col. 10, lines 32-47); and

- when messages so transmitted to the plurality of objects are received, determining whether to react to each message based on each message's indicated operation type, and when determined to react to a given message, reacting by executing a reaction operation (Each application ... rotated figure; col. 5, lines 25-29 and multicast; col. 7, lines 1-2 and col. 9, lines 48-52 and col. 11, lines 19-21, 39-54) that is pre-associated with the message indicated operation type, where each object has its own set of reaction operations and pre-registered associations between its reaction operations and at least some of the operation types (a rotation motion ... rotated figure; col. 5, lines 22-29 and Applications automatically trigger their own event handlers to execute received events; col. 7, lines 1-2 and col. 11, lines 54-60 and File on col. 12, lines 1-8 and 23-30).

As to claim 3, Hao teaches the original operations comprises graphical user interface events, and wherein the operation types comprises types of graphical user interface events (press a button, move a mouse, type a key, a rotate motion; col. 5, lines 16-25 and col. 8, lines 4-5 and col. 10, lines 37-43).

As to claim 4, Hao teaches a message further indicates a parameter (certain amount) of the original operation that triggered the message (a 3-D figure to be rotated a certain amount; col. 5, lines 22-23), and wherein the reaction operation triggered by the message uses as its own parameter the parameter included with the message that determined the execution of the reaction operation (inherent from Each application ... the rotated amount; col. 5, lines 25-29).

As to claim 5, Hao teaches the communication path comprises a network chat channel (real-time collaboration window sessions, col. 7, lines 5-28).

As to claim 6, Hao teaches the plurality of objects comprises programs executing on different computer systems (Workstations 120, 130; see Fig. 2 and associated text).

As to apparatus claim 7, it is the same as the computer product claim of claim 2 and is rejected under the same ground of rejection.

Response to Arguments

5. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diem K. Cao whose telephone number is (571) 272-3760. The

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examiner can normally be reached on Monday - Friday, 7:30AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist at 571-272-2100.

Diem Cao
November 22, 2006


MENG-LI. YIN
SUPERVISORY PATENT EXAMINER